

Ethics Rules Enacted by Presidents, 1993 - 2017¹

	President Trump	President Obama	President Bush	President Clinton	Ideal Appointee Ethics Pledge ²
Ban on Lobbying the Appointee's Former Agency	Every appointee 5 years covering "lobbying activities."	<i>None</i>	<i>None</i>	Every appointee 5 years	5 years
Ban on Communicating with the Appointee's Former Agency	Senior appointees 1 year as required by 18 U.S.C. § 207(c).	Senior appointees 2 years (a 1-year increase above 18 U.S.C. § 207(c)).	Restatement of post-employment restrictions at 18 U.S.C. § 207.	<i>None</i> , but subject to post-employment restrictions at 18 U.S.C. § 207.	2 years
Ban on Lobbying Other Appointees	No "lobbying activities" for the remainder of the Administration.	No lobbying the Administration.	Restatement of post-employment restrictions in 18 U.S.C. § 207.	For Executive Office of the President appointees 5 years with respect to any executive agency for which they had personal and substantial responsibility.	The remainder of the Administration
Ban on Former Appointee Working for Any Foreign Government or Foreign Political Party	Permanent for those registered under the Foreign Agents Registration Act (FARA), but won't cover those registered under the Lobbying Disclosure Act (LDA) (2 U.S.C. § 1601 <i>et seq.</i>).	<i>None</i>	Restatement of post-employment restrictions in 18 U.S.C. § 207.	Permanent (additional provisions applied to trade negotiators).	Permanent for FARA and LDA registered lobbyists

¹ President Trump, [EO 13770](#); President Obama, [EO 13490](#) (revoked by [EO 13770](#)); President Bush, [Standards of Official Conduct](#); President Clinton, [EO 12834](#) (revoked by [EO 13184](#)).

² POGO urges Congress to pass additional restrictions applying to entities with a financial conflict of interest and entities that benefited from a former government official's decisions.

	President Trump	President Obama	President Bush	President Clinton	Ideal Appointee Ethics Pledge ³
Ban on Appointee Accepting Gifts from Lobbyists or Lobbying Organizations	No gifts from registered lobbyists or lobbying organizations.	No gifts from registered lobbyists or lobbying organizations.	Restatement of Subpart A of Standards of Conduct (5 CFR § 2635.101 <i>et seq.</i>).	<i>None</i>	No gifts from lobbyists or lobbying organizations.
Ban on Appointee Handling Matters Related to Former Employers and Clients	2 years No participating in any particular matter involving specific parties that is directly and substantially related to former employers or clients.	2 years No participating in any particular matter involving specific parties that is directly and substantially related to former employers or clients.	Restatement of Subpart A of Standards of Conduct.	<i>None</i>	2 years
Ban on Former Registered Lobbyists	2 years No participating in any particular matter on which they lobbied within the 2 years before the date of their appointment; also includes a 2-year ban on participating in the specific issue area in which that particular matter falls.	2 years No participating in any particular matter on which they lobbied within the 2 years before the date of their appointment; no participating in the specific issue area in which that particular matter falls. Appointees also pledged to not seek or accept employment from any executive agency that they lobbied within 2 years of their appointment.	<i>None</i>	<i>None</i>	2 years for participating on matters on which they lobbied; 2 years for participating in an issue area in which the matter falls; 2 years for seeking or accepting employment with an agency that the appointee lobbied.

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Hiring Based on Qualifications, Competence, and Experience	Included	Included	<i>None</i>	<i>None</i>	Include hiring requirements
Public Disclosure	None. Pledges and waivers filed with appointee's agency.	The Office of Government Ethics (OGE) was required to file a public report on the administration of the pledge. Pledges and waivers filed with appointee's agency.	<i>None</i>	Pledges and waivers filed with appointee's agency.	OGE should publicly post final submissions of ethics paperwork for executive branch officials occupying positions for which the pay is set at Levels 1 or 2 of the Executive Schedule. Final submissions should include signed ethics pledges pursuant to Executive Order 13770, ethics pledge waivers pursuant to Executive Order 13770, waivers under 18 U.S.C. § 208, authorizations under 5 CFR § 2635.502, waivers under 5 CFR § 2635.503, Certificates of Divesture and requests for Certificates of Divestiture, financial disclosure reports, ethics training records, authorizations to accept gifts of free attendance at widely attended gatherings, STOCK Act notices of employment negotiations (limited to employment for which the government employee was hired), disciplinary actions and reprimands related to ethics violations, and any documents demonstrating compliance or noncompliance with ethics agreements.
Report to the President	<i>None</i>	Required to report to the President.	<i>None</i>	<i>None</i>	Require a report to the President and Congress.

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	President Trump	President Obama	President Bush	President Clinton	Ideal Appointee Ethics Pledge⁵
Lobbying Defined	LDA definition of “lobbying activities,” but the term does not include communicating or appearing with regard to a judicial proceeding; a criminal or civil law enforcement inquiry, investigation, or proceeding; or any agency process for rulemaking, adjudication, or licensing, as defined in and governed by the Administrative Procedure Act, as amended, 5 U.S.C. § 551 et seq.	“to act … as a registered lobbyist” under the LDA	Restatement of post-employment restrictions in 18 U.S.C. § 207.	<p>Knowingly communicating or appearing before an agency with intent to influence official action, not including:</p> <ol style="list-style-type: none"> 1. Lobbying for state or local government 2. Certain judicial, criminal, civil, or administrative proceedings 3. Work for a college, hospital, research institution or not-for-profit organization 4. Lobbying for international organizations, if the secretary of state approves 5. Furnishing scientific or technological information 6. Testimony under oath pursuant to 18 U.S.C. § 207(j)(6) 	Expand the definition to go beyond the current limitations on registered lobbyists to cover anyone with a financial conflict of interest, closing loopholes, and adopting a single standard that will apply to lobbyists for moneyed interests, those who secretly advise them, and the people they work for—all those who might affect public policy for private gain.

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Executive Agency Defined	Excludes separate agency components as designated by OGE.	Covers the entire agency.	<i>None</i>	Excludes separate agency components as designated by OGE.	Cover the entire agency
Administration	Agency heads are required to establish rules to ensure pledges are signed and ensure compliance with the order within the agency.	Agency heads are required to establish rules to ensure pledges are signed, ensure compliance with waivers in written ethics agreements, and ensure that spousal employment issues and other conflicts are addressed in written ethics agreements.	<i>None</i>	Agency heads are required to establish rules to ensure pledges are signed by appointees and trade negotiators, and ensure compliance with the order within the agency.	Agency heads should be required to establish rules to ensure pledges are signed and ensure compliance with written ethics agreements. POGO has urged Congress to provide OGE with clear investigative authority and the ability to make binding corrective and disciplinary actions. We also recommend public disclosure of Level I and II ethics records and that the OGE director should only be removed for cause.
Waiver Authority	Granted to the President or his designee and takes effect when a certification is signed by the President. A copy is provided to the agency.	Granted to the OMB director or their designee, if certified in writing that the restriction is inconsistent with the purpose of the restriction or it is in the public interest (national security or economic exigent circumstances).	<i>None</i>	Granted to the President and must be certified by the President in writing that the waiver is in the public interest. The waiver would be published in the Federal Register and given to the appointee and agency.	Waivers should be allowed and once granted, they should be placed on OGE's public website.

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